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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,160	07/01/2001	Charles Eldering	T705-13	9699

			EXAMINER

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TECHNOLOGY, PATENTS AND LICENSING, INC./PRIME
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EXAMINER
ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
05/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

<table>
<tr><td rowspan="3"></td><td colspan="2" align="center">Application No.</td><td colspan="2" align="center">Applicant(s)</td></tr>
<tr><td colspan="2">09/857,160</td><td colspan="2">ELDERING ET AL.</td></tr>
<tr><td>Examiner</td><td></td><td colspan="2">Art Unit</td></tr>
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Office Action Summary		Raquel Alvarez	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2006*.

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 15-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 15-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This office action is in response to communication filed on 2/19/2006.

2.   Claims 1-4, 15-23 are presented for examination.

Specification

3.   The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 112

4.   Claim 1 is rejected under second paragraph of 35 U.S.C. 112 because step (a) calls for monitoring viewing sessions and step (b) calls for clustering the viewing sessions....wherein the clustering occurs independently of characteristics established prior to the monitoring steps. It is unclear if the viewing sessions in steps a and b are the same viewing sessions or if they are separate viewing sessions. It is also unclear how the clustering of the viewing sessions are representative of subscriber selection data and can occur before obtaining the prior viewing sessions. Correction is required.

5.   Claim 15, 16 and 23 are rejected under second paragraph of 35 U.S.C. 112 because step (a) calls for obtaining a record of previous viewing sessions and step (b) calls for grouping the previous viewing....wherein the groupings occurs independently of characteristics established prior to the monitoring steps. It is unclear if the viewing sessions in steps a and b are the same viewing sessions or if they are separate viewing sessions. It is also unclear how the grouping of the viewing sessions are representative

of subscriber selection data and can occur before obtaining the prior viewing sessions.

Correction is required.

Also, Applicant is asked to show support for claim amendment by providing the pages

and lines numbers.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7.   Claims 1-4, 15-23 are rejected under 35 U.S.C. 102(a) as being anticipated by

Williams et al.(5,977,964 hereinafter Williams).

With respect to claims 1, Williams teaches a method for identifying a subscriber

(Abstract and col. 3, lines 14-19). Monitoring a plurality of viewing sessions (i.e. viewing

activities such as volume control, channel changes while watching a cable or satellite

program is monitored)(Figure 1, col. 5, lines 52-59); clustering the viewing sessions

wherein the sessions within a cluster have a common identifier representative of a

subscriber selection data (i.e. the collection of viewing sessions and related data based

on the user's viewing habits and activities is recorded in user profile database 800);

identifying a subscriber from the clusters of viewing sessions based on the subscriber

selection data (i.e. the system determines which user of a plurality of users is currently

using the system by comparing received inputs and current settings to at least a subset

of the user profiles for at least a subset of the plurality of entertainment system

users)(col. 3, lines 14-19).

With respect to the newly added limitation of the clustering of the sessions

occurring independently of characteristics established prior to the monitoring steps.

Williams teaches classifying the programs as being a s-sports program, m-music, mv-

movies, n-news and so on. The program classification occurs prior to

obtaining/collecting the user's viewing sessions.

With respect to claims 2-3, Williams further teaches generating a program

characteristics vector and a demographic vector for each of the viewing sessions (i.e.

based on the characteristics for the program, the demographic for that user is

determined. Example, a child or an adult is using the system)(col. 6, lines 40-49);

processing the program characteristics vector and the demographic vector to generate

one or more clusters of session data vectors (i.e. based on the nature of the program

and the demographic of the user a profile is determined for that particular member of

the household)(col. 6, lines 25-49).

With respect to claim 4, Williams further teaches generating a signature signal

based upon the EPG related data (i.e. based upon the uses interactions, an identifier is

selected for the user)(col. 5, lines 64-, col. 6, lines 1-12); and correlating the signature

signal to one or more common identifiers (i.e. the user's identifier is matched to the

other common identifiers for that user)(col. 5, lines 64-, col. 6, lines 1-12).

With respect to claims 15 and 23, Williams teaches a method of identifying a

subscriber, in a data processing system (Abstract). Obtaining a record of previous

viewing sessions (Figure 8); grouping the previous viewing sessions into at least one

session group according to at least one common characteristic (Figure 8); receiving a

plurality of inputs from a subscriber (Figure 3, 302); comparing said plurality of inputs to

said at least one session group(Figure 3, 304); and determining if said subscriber is

characterized according to one of said at least one session groups (Figure 8).

With respect to the newly added limitation of the grouping of the sessions

occurring independently of characteristics established prior to the monitoring steps.

Williams teaches classifying the programs as being a s-sports program, m-music, mv-

movies, n-news and so on. The program classification occurs prior to

obtaining/collecting the user's viewing sessions.

Claims 16-18 further recite creating a probabilistic determination of a subscriber

profile of said at least one session group based on the subscriber selection data and

targeting ads based on said probability (i.e. based on the user's selection, it determines

if a child is using the system and providing cereals or toys advertisement)(col. 6, lines

40-49).

With respect to claims 19-22, Williams further teaches that the determination is based on the program viewed, channel changed, program guide accessed and volume sequence (Figure 8).

Response to Arguments

8.   Applicant argues that Williams doesn't teach that the clustering occurs independently of characteristics established prior to the monitoring step. The Examiner wants to point out that in Williams, each television program has a genre based on the program content for example, S-sport, M-music, Mv-movies, N-news, etc (see figure 8). Based on the program's genre, Williams groups the programs as being sports, news programs, etc. So therefore, contrary to Applicant's arguments, Williams clearly teaches independently characterizing the programs prior to the monitoring steps. In Williams the grouping or clustering of the programs is determined in order to match/recommend or offer these programs to the users based on their interests (col. 3, lines 20-27).

9.   The Examiner wants to point out that in Williams, the clustering of or grouping of the viewing sessions have an identifier. For example, certain music stations would be classified as being J-Jazz stations and certain Internet sites will be classified as being Jazz sites as well. And therefore will be recommended to users who have interest for Jazz.

10.   Applicant argues that Williams doesn't teach identifying a subscriber as belonging to one of the clusters. The Examiner disagrees with Applicant because although Williams does determine which user is using the system as stated by Applicant

on page 8 of "Remarks", the system determines based on the user's interests if the user

is a Jazz, news, sport aficionado and will recommend programs accordingly (col. 3,

lines 20-27). So contrary to Applicant's arguments, the system of Williams is not just

identifying the users viewing a particular program but it also identifies the type of

viewers and it "**offers programming/entertainment suggestions, and host**

additional value added features to enhance the user's enjoyment of system 100"
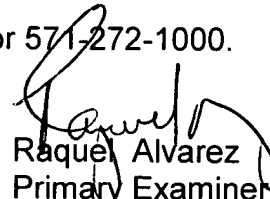

Point of contact

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Raquel Alvarez whose telephone number is (571)272-

6715. The examiner can normally be reached on 9:00-5:00.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
4/23/2007